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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,889	11/06/2001	Hajime Tabata	0505-0913P	4547
2292	7590	04/29/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/985,889

Applicant(s)

TABATA ET AL.

Examiner

TUAN A PHAM

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-16 is/are rejected.
- 7) ☒ Claim(s) 3-4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/24/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 11/24/2005 has been considered by Examiner and made of record in the application file.

### ***Response to Arguments***

3. Applicant's arguments, see Applicant's remark, filed on 12/29/2004, with respect to the rejection(s) of claim(s) 1-16 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Thompson (US Patent No.: 4,178,548) and further in view of Guimond et al. (U.S. Patent No.: 5,401,175).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**5. Claims 1- 2, and 5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stafford et al. (U.S. Patent No.: 5,243,659, hereinafter, "Stafford") in view of Thompson (US Patent No.: 4,178,548) and further in view of Guimond et al. (U.S. Patent No.: 5,401,175).**

**Regarding claims 1 and 10**, Stafford teaches a communication system for individuals comprising (see figure 1):

a plurality of helmets each helmet being provided with a speaker and a microphone (see figure 3, speaker 115, microphone 127, 129, col.13, ln.38-62),

a communication unit provided on a vehicle body (see figure 3, VOX intercom 88, col.13, ln.38-62), and

a cable for connecting the communication unit and each of said helmets for enabling communication between individuals wearing each helmet (see figure 3, cable 87, 89, VOX intercom 88, col.13, ln.38-62).

It should be noticed that Stafford fails to teach a connector for connecting the communication unit and the cable. However, Thompson teaches such features (see figure 2, transceiver 10, connector 35, cable 34, col.3, ln.7-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Thompson into view of Stafford in order to connect the earphone with transceiver.

Stafford and Thompson, in combination, fails to teach the connector being a magnetic. However, Guimond teach such feature (see figures 6-8, col.2, ln.68-68).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Guimond into view of Stafford and Thompson in order to provide the connecting with the strong magnet, but easy disconnected.

**Regarding claims 2 and 11**, Stafford teaches the helmets and the cable are connected together (see figure 3, it is obvious that the cable and the helmets are connected by a connector).

Guimond teaches the magnetic coaxial connector (see figures 6-8, col.2, ln.68-68).

**Regarding claims 5 and 12**, Thompson further teaches the communication system for individuals, wherein the connection between the communication unit and the cable may be disconnected by applying a force in any direction. Thompson fails to explicitly teach the connection between the communication unit and the cable may be disconnected by applying a force in any direction. However, Thompson teaches the

connection between the communication unit and the cable. Therefore, the cable may be disconnected by applying a force in any direction.

**Regarding claims 6 and 13**, Stafford further teaches the communication system for individuals wherein the connector are secured to each of said helmets and said cables (see figure 3).

Guimond teaches the magnetic coaxial connector can be use to connected the cable and helmet (see figures 6-8, col.2, ln.68-68).

**Regarding claims 7 and 14**, Thompson further teaches the communication system for individuals wherein the connector are secured to each of said communication unit and said cables (see figure 2, transceiver 10, connector 35, cable 34, col.3, ln.7-10).

Guimond teaches the magnetic coaxial connector can be use to connected the cable and communication unit (see figures 6-8, col.2, ln.68-68).

**Regarding claims 8 and 15**, Stafford further teaches the communication system for individuals further including a detecting circuit for detecting loud noises and for suppressing said loud noises so that individuals using the communication system do not experience unpleasant sounds (see figure 1, col.2, ln.59-68, col.3, ln.1-19).

**Regarding claims 9 and 16**, Guimond further teaches the communication system for individuals wherein one end of said cable includes a magnetically attractive material and the distal end of the cable includes a magnetic material wherein the one end of the cable and the distal end mate with each other during storage of the cable during non-use (see figures 6-8, col.2, ln.68-68).

***Allowable Subject Matter***

6. Claims 3-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Doss, Jr. et al. (U.S. Patent No.: 6,075,857), and Lazzeroni et al. (U.S. Pub. No.: 2002/0176595) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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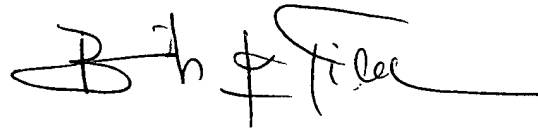
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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April 25, 2005  
Examiner

Tuan Pham

A handwritten signature in black ink, appearing to read "Binh Tieu", with a stylized flourish at the end.

**BINH TIEU  
PRIMARY EXAMINER**